

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

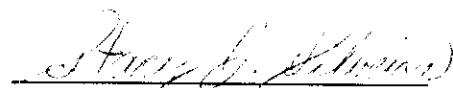
FILED

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| | | |
|------------------------------|---|---------------------|
| BRANDON ASSOCIATES, LLC |) | 2004 OCT -6 P 3:16 |
| Plaintiff |) | U.S. DISTRICT COURT |
| v. |) | DISTRICT OF MASS. |
| FAILSAFE AIR SAFETY SYSTEMS |) | CIVIL ACTION |
| CORP., BLUE SAGE CONSULTING, |) | |
| INC., ELCON MEDICAL, |) | |
| DEBRA ESPE, ALAN FEUERSTEIN |) | |
| Defendants |) | |
| |) | NO. 04 12013NMG |

AFFIDAVIT

I, Stacy Silveira, hereby submit that I served the Summons and Verified Complaint and Action to Reach and Apply, originally filed in Massachusetts Superior Court, upon the defendant FailSafe Air Safety Systems Corp. (Paul Chirayath, President), by United States Postal Service Express Mail in accordance with Massachusetts Rules of Civil Procedure Rule 4(e)(3) and in accordance with the terms of the Contracts (Exhibits A & B of the Verified Complaint) in which both Parties consented to "exclusive personal jurisdiction" of the courts of the Commonwealth of Massachusetts and to "service of process by certified mail or national overnight carrier."



Stacy J. Silveira, Esq.

BBO No. 650675

General Counsel

Brandon Associates, LLC

160 Commonwealth Avenue

Boston, MA 02116

(617) 695-8949

Dated: October 6, 2004



Date: 09/13/2004

STACY J. SILVEIRA:

The following is in response to your 09/13/2004 request for delivery information on your Express Mail item number ER41 7134 841U S. The delivery record shows that this item was delivered on 09/10/2004 at 10:56 AM in TONAWANDA, NY 14150 to P MC LEAN. The scanned image of the recipient information is provided below.

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Delivery Section
Pat McLean
PAT MC LEAN

Address of Recipient:

79 Fillmore

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United States Postal Service



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| Date In | Postage | |
| Mo. Day | 3 PM | \$ |
| Year | | |
| Time In | Return Receipt Fee | |
| AM | <input type="checkbox"/> | 2nd Day |
| PM | <input type="checkbox"/> | 3rd Day |
| Weight | Int'l Alpha Country Code | |
| Ibs. | COD Fee | Insurance Fee |
| OZS. | \$ | \$ |
| No Delivery | Acceptance Clerk Initials: Total Postage & Fees | |
| <input type="checkbox"/> Weekend | <input type="checkbox"/> Holiday | |
| FROM: (PLEASE PRINT) | | |
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| TO: (PLEASE PRINT) | | |
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| <p style="text-align: center;">NO DELIVERY <input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) <input type="checkbox"/> Additional merchandise insurance is void if waiver of signature is requested.</p> <p style="text-align: center;">Wish delivery to be made without obtaining signature or to make delivery to an address or addressee's agent if delivery signature indicates that article can be left in a secure location and authorizes that delivery employee's signature constitutes valid proof of delivery.</p> | | |
| <p style="text-align: center;">Customer Signature</p> <p style="text-align: center;">Mr. [Signature] [Signature] [Signature]</p> <p style="text-align: center;">[Signature] [Signature] [Signature]</p> | | |
| <p style="text-align: center;">ZIP + 4</p> <p style="text-align: center;">[Redacted ZIP code area]</p> | | |

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CERTIFICATE OF SERVICE

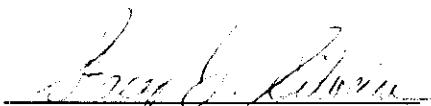
I hereby certify that a true copy of the above document was served upon the attorney of record, listed below, for each party by placing the enclosed documents in the United States mail on October 6, 2004.

For FailSafe Air Safety Systems Corp., ElCon Medical,
Debra Espe, and Alan R. Feuerstein, to their attorneys:

Laurie M. Ruskin, Esq.
Kenneth A. Sweder, Esq.
Sweder & Ross LLP
21 Custom House Street, Suite 300
Boston, MA 02110

For Blue Sage Consulting, to its attorney:

Robert N. Wilson, Esq.
The Law Office of Robert Wilson
39 Main Street
Ayer, MA 01432



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